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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,267	05/25/2001	Bryce A. Jones	39201.185 (1410)	3618
28004	7590	06/23/2005	EXAMINER	
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KSOPHT0101-Z2100			PAPER NUMBER	
OVERLAND PARK, KS 66251-2100			2661	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,267

Applicant(s)

JONES, BRYCE A.

Examiner

Phirin Sam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-15 and 17-30 is/are rejected.
- 7) ☒ Claim(s) 5 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

PHIRIN SAM
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-15, and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,775,267 (hereinafter referred as "Kung") in view of US Patent 6,047,051 (hereinafter referred as "Ginzboorg").

Kung discloses the invention (**claim 1**) as claimed including a method of operating a communication system to bill a call transmitted over a packet system (see Fig. 1, element 12) wherein the communication system is comprised of a communication device (see Fig. 102), a signaling processor (see Figs. 1 and 2, element 245), a packet billing system (see Fig. 2, element 240), public switched telephone network billing system, and the packet system (see Fig. 1, element 120), and wherein the communication device is configured to communicate the call over the packet network, the method comprising:

in the packet billing system:

- (a) detecting a call setup message in first signaling transmitted between the signaling processor and the communication device, and generating a start record responsive to detecting the call setup message (see Fig. 2, elements 240 and 245, col. 16, lines 4-8, 15-18);

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- (b) detecting a call complete message is second signaling between the signaling processor and the communication device, and generating an end record responsive to detecting the call complete message (see Fig. 2, elements 240 and 245, col. 16, lines 8-9);
- (c) transferring the start record and the end record (see Fig. 2, element 240, col. 16, lines 20-23;
- (d) receiving the start record and the end record and processing the start record and the end record to generate a bill (see Fig. 2, col. 16, lines 23-25);

Kung does not disclose the billing system is the public switched telephone network billing system. However, Ginzboorg discloses the public switched telephone network billing system (see Fig. 2, element BS, col. 4, lines 27-35). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the public switched telephone network billing system teaching by Ginzboorg and Kung. The motivation for doing so would have been to provide to process the charging bills read on col. 1, lines 59-62. Therefore, it would have been obvious to combine Ginzboorg and Kung to obtain the invention as specified in the claim 1.

Regarding claim 2, Ginzboorg and Kung disclose the subject matter of this claim as describer in claim 1.

Regarding claims 3, 9, 11, 14, 20, 22, 25, 28, and 30, Kung discloses generating the first call detail record comprises:

- (a) reading a calling party ID, a called party ID, and first time of day information from the call setup message and entering the calling party ID, the called party ID, and first time of day information into the first call detail record (see Fig. 2, col. 16, lines 15-18);

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(b) reading the calling party ID, the called party ID, and second time of day information from the call complete message and entering the second time of day information into the first call detail record (see Fig. 2, col. 16, lines 15-18).

Regarding claims 4 and 15, Kung discloses the subject matter of this claim as describer in the claim 3.

Regarding claims 6 and 17, Kung discloses the communication device comprises a switch (see Fig. 1).

Regarding claims 7 and 18, Kung discloses the communication device comprises a router (see Fig. 2).

Regarding claims 8 and 19, Kung discloses the subject matter of this claim as describe in claim 1.

Regarding claim 12, Kung and Ginzboorg disclose the subject matter of this claim as describer in claim 1.

Regarding claim 13, Kung discloses all limitations. On the other hand, Kung does not disclose PSTN billing system to receive the detail record and processing. However, Ginzboorg discloses PSTN billing system to receive the detail record and processing (see Fig. 2, element BS, col. 4, lines 29-34, and col. 7, lines 50-59). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the PSTN billing system to receive the detail record and processing teaching by Ginzboorg with Kung. The motivation for doing so would have been to provide to process the charging bills read on col. 1, lines 59-62. Therefore, it would have been obvious to combine Ginzboorg and Kung to obtain the invention as specified in the claim 13.

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Regarding claim 23, Kung and Ginzboorg disclose the subject matter of this claim as describer in claim 1.

Regarding claims 24, Kung discloses generate a call detail record for the call transmitted over the packet system based on the start record and the end record, and transfer the call detail record to the PSTN billing system (see Fig. 2, col. 16, lines 20-31).

Regarding claims 10, 21, 26, 27 and 29, Kung discloses the packet billing software is further operational to direct the processor to copy the call setup message to generate the start record (see Fig. 2, col. 16, lines 4-20).

Allowable Subject Matter

3. Claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 6-15, and 17-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: June 20, 2005



PHIRIN SAM
PRIMARY EXAMINER